IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

WRIT PETITION NO. 4578 OF 1996.

PETITIONER :- Arun Kumar Das S/o Shri R.K. Das Sikola Bhatha ,Prem Nagar, p.o. Durg, Tahsil and District Durg(M.P).

V E R S U S

RESPONDENTS :- 1. The Manager,Syndicate Bank, G.I. Road Supela, Bhilai,P.O. Supela,Tah. and District Durg(M.P).

2. Deputy General Manager,Syndicate Bank, Zonal Office,Nepchoon Tower Opposite Nehru Bridge, Ashram road, Post Box no. 4112, Post Office Ahamadabad, AHAMADABAD (Gujrat)

3. Central Government Industrial Tribunal from Labour Court Jabalpur Amanpur Jabalpur through its presiding Officer.

PETITION UNDER ARTICLE 227 OF CONSTITUTION OF INDIA

DETAILS OF PETITION

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 4578 OF 1996

Petitioner : A.K. Das

Versus

Respondents : The Manager, Syndicate Bank & others.

Shri H.B. Agrawal, senior counsel with Shri Pankaj Agrawal, counsel for the petitioner.

Shri Anand Shukla, counsel for the respondents.

ORAL ORDER

(14th June, 2006)

1. This petition, filed under Article 227 of the Constitution of India assails the order dated 16.2.1996 (Annexure P-21) passed by the Central Government Industrial Tribunal –cum- Labour Court, Jabalpur, in reference case No. CGIT/LC (R) (56) 1990, wherein the Tribunal after having considered the statement made by the Branch Manager and the certificates produced by the petitioner, held that the petitioner/workman has failed to establish that he had worked for 240 days continuously in the preceding year and answered the reference in favour of the management.

2. The brief facts in nutshell are that the petitioner was appointed as temporary attender in the Syndicate Bank at Supela Branch on 2.12.1985. The service of the petitioner was required in absence of other regular attender from time to time. The services of the

petitioner came to an end on 28.2.1987 by oral order made by the Branch Manager.

3. The petitioner has produced certificates indicating that he has worked for 45 days and 59 days. One Shri S. Manju Nath, Branch Manager was examined and he has categorically stated that the petitioner/workman had worked from 3.11.1986 to 17.12.1986 for 45 days and thereafter, from 1.1.1987 to 28.2.1987 for 59 days. It was further stated that the petitioner has not worked for more than 240 days, but had worked less than 240 days in a calendar year.

4. The petitioner had not examined any witness in support of his case and had further not produced any other documents, except the certificates, which indicate the working of 45 and 59 days in 2 years, before the Labour Court.

5 Having heard learned counsel for the parties and perusing the records, I do not find any infirmity or illegality in the findings recorded by the Labour Court. Finding is based on sufficient evidence and there is proper application of law. Hence, no interference with the impugned order is called for.

6. For the reasons stated above, this petition is dismissed. No order as to costs.

Sd/-
SATISH K. AGNIHOTRI
Judge